

## **TRAFFIC RULES AND REGULATIONS:**

### **SECTION I : INTRODUCTORY AND EFFECTIVE DATE:**

In accordance with the authority granted in Chapter 41:11, 47:17 and 31:40 and other applicable chapter or amendment thereto of the New Hampshire Revised Statutes Annotated, this ordinance shall be deemed and construed to be an exercise of the police power of the Town of Windham in the State of New Hampshire for the preservation and protection of public safety, and all of its provisions shall be liberally construed with a view to the effectuation of such purposes. Any by-laws or ordinances concerning the regulations of traffic previously enacted are hereby repealed. The traffic rules and regulations of Windham, as amended, shall become effective upon adoption.

### **SECTION II : AUTHORIZED EMERGENCY VEHICLES:**

Nothing in this chapter shall apply to fire apparatus, police cars, road maintenance vehicles officially used in connection with any town department or town business, but such vehicles shall at all times be operated and otherwise handled in a reasonable manner under the circumstances.

### **SECTION III : DEFINITIONS:**

- A) "Vehicle" shall mean any device, upon, or by which any person or property is or may be transported upon a street, except a device which is operated upon rails or tracks.
- B) "Roadway" shall mean that portion of a street, exclusive of shoulders, improved and intended to be used for vehicular traffic.
- ~~C) "Street" shall mean the entire width between property lines of any public streets, avenue, road, highway, alley, lane or path located in the Town of Windham and established for the use of vehicles.~~
- ~~C) "Right-of-Way" shall mean the area of land which constitutes a public way under RSA 229:1. This area shall include, but not be limited to, the area of any road as laid out, the area within the property lines of any land deeded to the Town for highway purposes, the area shown on any plan which dedicates an area as a public way regardless of whether it has been deeded, provided it has been "accepted" by action of the Town, or the extent of any public way established by prescription. This includes areas serving as the Roadway, adjoining areas intended or used for roadside drainage, utilities (whether above or below ground) and snow storage areas.~~
- D) "Sidewalk" shall mean that portion of ~~street~~ Right-of-Way ~~adjoining a~~ roadway set aside for pedestrian travel.
- E) "Operator" shall mean and include every individual who shall operate a vehicle, as the owner thereof, or as the agent, employee or permittee of the owner, or is in actual physical control of a vehicle.
- F) "Park" shall mean the standing of a vehicle, whether occupied or not, upon a ~~street~~ Right-of-Way otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.

G) *“Intersection”* shall mean any meeting of one or more roadways with another, or any meeting of one or more roadways with a railroad.

H) *“Pedestrian”* shall mean any person afoot.

I) *“Crosswalk”* shall mean that portion of a roadway included within the prolongation or connection of curb lines and property lines at intersections, or at any portion of a roadway clearly indicated for pedestrian crossing by lines on the road surface or by any other markings or signs.

~~H) *“Commercial Vehicle” shall mean any vehicle that is operated for commercial or business purposes.*~~

#### SECTION IV : PLACING AND MAINTAINING:

The Board of Selectmen is hereby authorized and, as to those signs and signals required hereunder, it shall be their duty, to have their designated representative place and maintain, or cause to be placed or maintained, all official traffic signs, signals, markings, and safety zones. All signs, signals, markings, and safety zones shall conform to such standards, if any, as are prescribed by the Highway Commissioner, State of New Hampshire.

#### ~~SECTION V : TRAFFIC CONTROL LEGEND:~~

~~A) Colors and arrow indications in traffic control signals shall have the commands ascribed to them in this section, and no other meanings, and every operator of a vehicle shall comply therewith except when otherwise directed by a police officer.~~

~~B) In no case shall an operator enter or proceed through an intersection without due regard to the safety of other persons within the intersection regardless of what indications may be given by traffic controls signals.~~

#### SECTION VI : PROHIBITED PARKING:

A) TOWING: The Police Department is authorized to remove and tow away, or have removed and towed away by commercial towing service, any abandoned vehicle illegally parked in a place where it creates or constitutes a traffic hazard, blocks the use of a fire hydrant, blocks the use of a driveway, either public or private, or obstructs or may obstruct snow removal operations or the movement of any emergency vehicle. Vehicles towed for illegal parking shall be stored in a safe place, and shall be restored to the owner or operator upon payment of all fees for towing and storage.

##### 1. GENERAL PROHIBITED PARKING AREAS:

- a) Within fifty (50) feet of any intersection.
- b) Upon any sidewalk.
- c) Upon any crosswalk.
- d) In front of a private driveway.
- e) Within any intersection.
- f) Within twenty-five (25) feet of a fire hydrant.
- g) Upon any roadway.

## 2. SPECIFIC PROHIBITED PARKING AREAS:

- a) Upon right-of-way from Hayes Hart Road to Canobie Lake with exception of permitted parking for Windham residents only between the hours of sunrise and sunset.
- b) Upon Hayes Hart Road roadway, its entire length, including its shoulders.

3. SPECIFIC PROHIBITED PARKING OF COMMERCIAL VEHICLES ON TOWN OWNED PROPERTY:

- a) No parking of unattended commercial vehicles.
- b) No detaching or attending of trailers.
- c) No trailers left unattended.

4. TEMPORARY EMERGENCY OR SPECIAL CONDITIONS RESTRICTIONS

The Chief of Police is authorized and empowered to make and enforce temporary parking restrictions to accommodate emergency or special conditions. In such event, police officials will be responsible for posting such temporary signs or flyers so as to provide specific notice of such restrictions.

B) Nothing in Section VI, A shall be interpreted as prohibiting:

- 1. Police, fire or emergency parking-
- 2. Parking for commercial vehicles while loading or unloading, or
- 3. Parking for weddings or funerals.

**SECTION VII : WINTER PARKING AND SNOW REMOVAL:**

A) No operator shall leave an unattended vehicle ~~on any street in any Right-of-Way, to include the roadway,~~ between ~~December 1st~~ November 15th and April 1st, inclusive, of any year, ~~except in case of an emergency,~~ between the hours of 12:00 midnight and 6:00 am except in case of an emergency. Any vehicle found parked in violation of this section may be moved by or under the direction of a police officer of the Town of Windham to a place where parking is permitted, at the expense of the operator.

B) No vehicle shall be left unattended ~~on any street in any Right-of-Way, to include the roadway, when new snowfall has accumulated to a depth of four (4) inches, during a snow or ice storm event that has been in progress for at least one hour, and such prohibition shall continue for a period of 24 hours after the storm event has ended,~~ except in case of an emergency.

~~B)C)~~ Any vehicle found parked in violation of this section may be moved by or under the direction of a police officer of the Town of Windham to a place where parking is permitted, at the expense of the operator.

~~C)D)~~ No person shall shovel, plow, and in any way, move or cause snow to be moved, from private property to a ~~street~~ Roadway or sidewalk.

**SECTION VII : PEDESTRIAN RIGHT OF WAY:**

The operator of a vehicle shall allow pedestrians the right of way crossing a street at a crosswalk.

**SECTION ~~IX~~VIII : POLICE CONTROL:**

The Police Department shall control all traffic and vehicles on the streets of Windham. Vehicles must stop or start immediately on signal by any police officer in uniform.

**SECTION IX : OWNER PRIMA FACIE RESPONSIBLE FOR VIOLATIONS:**

If any vehicle is found on any street or highway in violation of any provision of this chapter and the identity of the driver cannot be determined, the owner or the person in whose name the vehicle is registered shall be held prima facie responsible for such violation, and be subject to the maximum penalty allowed under State law.

**~~SECTION XI : OPEN VEHICLES TO BE COVERED:~~**

- ~~A) No vehicle shall be operated on any street loaded with earth, sand, asphalt, stone gravel or other particulate substance unless said vehicle is equipped with and said load is secured by a close fitting tarpaulin which prevents the escape of any substance from the load onto the street.~~
- ~~B) Any vehicles hauling rubbish must have the load secured by a close fitting tarpaulin which prevents the escape of any rubbish onto the street. Any person found willfully disposing of rubbish in an illegal manner shall be subject to a fine not to exceed \$250.00 for each individual offense, payable to the Town of Windham.~~

**SECTION ~~XI~~ : PENALTY:**

Whenever no penalty is otherwise provided, any person who violates the Traffic Rules and Regulations of Windham, New Hampshire shall be subject to a fine of not more than twenty-five ~~(\$25)~~ dollars (\$25) for each offense.

**~~SECTION XIII : ACCIDENT REPORT:~~**

~~Any person operating a motor vehicle which is in any way involved in an accident shall within five (5) days after such accident report in writing to Windham Police Department and the Division of Motor Vehicles, the facts required: a) if any person is killed or injured; b) if damage to property is in excess of \$500., or c) if said person is uninsured and damage to property is in excess of \$250. (combined damage in both (b) and (c)).~~

**SECTION ~~XIV~~ : SEVERABILITY:**

In the event any section or part of any section of this ordinance is declared to be illegal, void, or invalid in whole or in part by a Court of competent jurisdiction after all appeals, if any, have been exhausted, all other articles and sections of this ordinance shall remain in full force and effect to the same extent as if that invalidated article or section had never been incorporated in this ordinance.

**SECTION XII : AMENDMENT AND EFFECTIVE DATE:**

This ordinance may be amended following a public hearing by the Board of Selectmen, which shall be preceded at least ten (10) days by posting of the amendment(s) in two (2) public places and by publication in a newspaper of general circulation in Windham. Any amendment shall be effective upon adoption and filing a certified copy with the records of the Town Clerk.

Adopted at Town Meeting - March 3, 1976  
Amended - February 28, 1983  
Amended - July 14, 1986  
Amended - September 15, 1986  
Amended - June 29, 1987  
Amended - June 4, 1990  
Re-codified and affirmed by the Board of Selectmen - May 11, 1998

**Amended - December 12, 2022**

Heath Partington, Chair  
Jennifer Simmons, Vice-Chair  
Bruce Breton  
Ross McLeod  
Roger Hohenberger